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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 GEORGE L. VONTRESS

8 Plaintiff,

9 v.

10 STATE OF NEVADA, *et al.*,

11 Defendants.

Case No. 2:18-cv-01746-RFB-PAL

ORDER

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13 Before the Court are the following motions: Plaintiff's Request for Judicial Clarification
14 (ECF No. 38); Plaintiff's Motion Requesting Emergency Preliminary Injunction / Temporary
15 Restraining Order (ECF Nos. 64 ,65); Plaintiff's Motion to Request to File Exhibit-A Under Seal
16 (ECF No. 66); Plaintiff's Renewed Request for Emergency Hearing Re: Preliminary Injunction /
17 T.R.O. (ECF No. 76); Plaintiff's Motion to Declare Dire Urgency and Necessity for Emergency
18 Hearing; Preliminary Injunction / T.R.O (ECF Nos. 83, 84); Defendants' Motion to Dismiss or,
19 Alternatively, Motion to Transfer Venue (ECF No. 85); Defendants' Motion to Stay Discovery
20 Pending Resolution of Motion to Dismiss (ECF No. 86); Plaintiff's Motion Requesting Immediate
21 Transfer Back to Nevada, For Good Cause (ECF No. 89); Plaintiff's Motion to Request Sanctions
22 be Imposed (ECF No. 91); and Plaintiff's Request for Leave to File Judicial Notice on Reverse
23 Side of Facility Forms, Due to Placement in Segregation and Confiscation and Refusal to Return
24 Necessary Legal Materials, Files and Records (ECF Nos. 92).

25 Defendants CoreCivic, Fuller, Hininger, Marr, Thomas, and Williams ("CoreCivic
26 Defendants") move the Court to dismiss Plaintiff's claims against them for lack of personal
27 jurisdiction. Because the question of personal jurisdiction "goes to the court's power to exercise
28 control over the parties," the Court will resolve this issue before reaching considerations of venue,

1 failure to state a claim, and Plaintiffs' requests for preliminary injunctive relief. Leroy v. Great
2 W. United Corp., 443 U.S. 173, 180 (1979).

3 A plaintiff bears the burden of establishing personal jurisdiction. Tuazon v. R.J. Reynolds
4 Tobacco Co., 433 F.3d 1163, 1168 (9th Cir. 2006). When, as here, the Court resolves
5 the motion to dismiss based only on written submissions, a plaintiff must make a prima facie
6 showing of facts that would support personal jurisdiction. Id. That is, Plaintiffs "need only
7 demonstrate facts that if true would support jurisdiction." Ballard v. Savage, 65 F.3d 1495, 1498
8 (9th Cir.1995).

9 To establish that personal jurisdiction over a defendant is proper, a plaintiff must show
10 (1) that the forum state's long-arm statute confers personal jurisdiction and (2) that the exercise of
11 jurisdiction comports with the constitutional principles of due process. Rio Properties, Inc. v. Rio
12 Int'l Interlink, 284 F.3d 1007, 1019 (9th Cir.2002). Because Nev. Rev. Stat. section
13 14.065 permits Nevada courts to exercise jurisdiction to the same extent as the Constitution, this
14 Court need only consider the constitutional principles of due process. Walden v. Fiore, 134 S. Ct.
15 1115, 1121 (2014).

16 Over an entity, a court may exercise general personal jurisdiction in a state where the entity
17 is incorporated or has its principal place of business. Daimler AG v. Bauman, 571 U.S. 117, 138–
18 39 (2014). Over an individual, a court may exercise general personal jurisdiction in a state where
19 the person is domiciled. Milliken v. Meyer, 311 U.S. 457, 462–64 (1940). CoreCivic represents
20 that it is not incorporated in Nevada, that its principal place of business is not located in Nevada,
21 and that none of the individual CoreCivic Defendants reside in Nevada.

22 Specific personal jurisdiction is analyzed pursuant to the following three-prong test:

- 23 (1) The non-resident defendant must purposefully direct his activities or
24 consummate some transaction with the forum or resident thereof; or perform
25 some act by which he purposefully avails himself of the privilege of conducting
26 activities in the forum, thereby invoking the benefits and protections of its laws;
27 (2) the claim must be one which arises out of or relates to the defendant's forum-
related activities; and
28 (3) the exercise of jurisdiction must comport with fair play and substantial justice,
i.e. it must be reasonable.

Schwarzenegger v. Fred Martin Motor Co., 374 F.3d 797, 802 (9th Cir. 2004).

1 While it is undisputed that the Nevada Department of Corrections contracts with CoreCivic
2 to detain inmates, including Plaintiff, at Saguaro Correctional Center, the Court does not currently
3 have this contract on record. The Court requires a copy of this contract to undergo its jurisdictional
4 analysis.

5 Therefore,

6 **IT IS ORDERED** that, by June 24, 2019, CoreCivic file with the Court (1) a copy of its
7 contract governing the detention of Nevada Department of Corrections inmates and (2) any bid
8 submitted to obtain the contract or any proposal submitted to expand existing services to include
9 the contracted services.

10 **IT IS FURTHER ORDERED** that Defendants' Motion to Stay Discovery Pending
11 Resolution of Motion to Dismiss (ECF No. 86) is GRANTED. With the exception of the
12 jurisdictional discovery ordered by this Court, discovery in this case is stayed until the Court issues
13 an order deciding Defendants' Motion to Dismiss or, Alternatively, Motion to Transfer Venue
14 (ECF No. 85).

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16 DATED: June 17, 2019.



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18 **RICHARD F. BOULWARE, II**
19 **UNITED STATES DISTRICT JUDGE**
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